



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 2

#### ADULT CARER SUPPORT PLANS AND YOUNG CARER STATEMENTS

#### CHAPTER 1

#### ADULT CARER SUPPORT PLANS

#### *Duty to prepare adult carer support plan*

#### **6 Duty to prepare adult carer support plan**

- (1) In this Act an “adult carer support plan” means a plan prepared by a responsible local authority setting out—
  - (a) an adult carer’s identified personal outcomes,
  - (b) an adult carer’s identified needs (if any), and
  - (c) the support (if any) to be provided by the responsible local authority to an adult carer to meet those needs.
- (2) If a responsible local authority identifies a person as an adult carer, the responsible local authority must offer the person an adult carer support plan.
- (3) The responsible local authority must prepare an adult carer support plan in relation to a person if—
  - (a) the person accepts an offer under subsection (2), or
  - (b) subsection (4) applies.
- (4) This subsection applies if a person who appears to the responsible local authority to be an adult carer requests an adult carer support plan.
- (5) A responsible local authority must exercise its functions under this section in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998).

- (6) For the purposes of this Chapter the “responsible local authority”, in relation to an adult carer, means the local authority for the area in which the cared-for person resides.

## 7 **Adult carers of terminally ill cared-for persons**

- (1) The Scottish Ministers must by regulations prescribe timescales for the preparation of adult carer support plans in relation to adult carers of terminally ill cared-for persons.
- (2) For the purposes of this section and section 13, a cared-for person is terminally ill at any time if at that time the person suffers from a progressive disease and death in consequence of that disease can reasonably be expected within 6 months.

## 8 **Adult carers: identification of outcomes and needs for support**

- (1) The Scottish Ministers may by regulations make provision about the identification of adult carers’ personal outcomes and their needs for support, including—
- (a) how personal outcomes and needs for support are to be identified,
  - (b) the process for doing so (including arrangements for the involvement of adult carers and cared-for persons),
  - (c) who may carry out identification,
  - (d) the sharing of information about adult carers and cared-for persons for the purpose of identifying personal outcomes and needs for support,
  - (e) the factors to be taken into account in identifying adult carers’ personal outcomes and needs for support,
  - (f) the circumstances in which adult carers’ personal outcomes and needs for support should be reviewed.
- (2) In identifying an adult carer’s personal outcomes and needs for support, a responsible local authority must, in particular, take into account any impact that having one or more protected characteristic (within the meaning of section 149(7) of the Equality Act 2010) has on the adult carer.

### *Content and review of adult carer support plan*

## 9 **Content of adult carer support plan**

- (1) An adult carer support plan must contain—
- (a) information about the adult carer’s personal circumstances at the time of preparation of the plan, including—
    - (i) the nature and extent of the care provided or to be provided,
    - (ii) the impact of caring on the adult carer’s wellbeing and day-to-day life,
  - (b) information about the extent to which the adult carer is able and willing to provide care for the cared-for person,
  - (c) information about whether the adult carer has arrangements in place for the provision of care to the cared-for person in an emergency,
  - (d) information about whether the adult carer has arrangements in place for the future care of the cared-for person,
  - (e) information about the identification of the adult carer’s personal outcomes, including about the carer’s identified personal outcomes,

- (f) information about the identification of the adult carer’s needs for support, including—
    - (i) if the adult carer has identified needs, those needs,
    - (ii) if no needs for support are identified, that fact,
  - (g) information about the support available to adult carers and cared-for persons in the responsible local authority’s area,
  - (h) if the adult carer does not reside in the responsible local authority’s area, information about the support available to adult carers in the area where the adult carer resides,
  - (i) if the adult carer’s identified needs meet the local eligibility criteria, information about the support which the responsible local authority provides or intends to provide to the adult carer to meet those needs,
  - (j) if the adult carer’s identified needs do not meet the local eligibility criteria, information about the support which the responsible local authority provides or intends to provide to the adult carer,
  - (k) information about whether support should be provided in the form of a break from caring,
  - (l) information about the circumstances in which the plan is to be reviewed.
- (2) Each second and subsequent adult carer support plan must also contain information about the extent to which any support provided under a previous plan has assisted in the achievement of the adult carer’s identified personal outcomes.
- (3) The Scottish Ministers may by regulations make provision about—
- (a) other information which an adult carer support plan must (or must not) contain,
  - (b) the form of adult carer support plans.

## **10 Review of adult carer support plans**

The Scottish Ministers may by regulations make provision about the review of adult carer support plans, including—

- (a) the circumstances in which plans are to be reviewed,
- (b) the frequency of review,
- (c) the procedure for review,
- (d) arrangements for obtaining the views of adult carers and cared-for persons.

### *Provision of information about plan*

## **11 Adult carer support plan: provision of information to carer etc.**

- (1) The responsible local authority must provide the persons mentioned in subsection (2) with the information contained in the adult carer support plan.
- (2) Those persons are—
- (a) the adult carer to whom the plan relates, and
  - (b) any other person the adult carer requests.
- (3) Subsection (1) does not apply to the extent that the responsible local authority considers that provision of the information would not be appropriate.

*Status: This is the original version (as it was originally enacted).*

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- (4) The information is to be provided as soon as practicable after—
- (a) the plan is prepared, or
  - (b) in the case of a revised plan, the revised plan is prepared.